



Revised: May 3, 2012

### The Parties' Disputed Claim Constructions<sup>1</sup>

Term No.	Claim Language	Plaintiff's Construction	Defendants' Construction
1.	“data stream” “stream of data”  ‘568 patent: 1, 20 ‘747 patent: 1, 7, 8, 13, 14, 19 ‘651 patent: 1, 4, 12, 13, 16, 21, 22, 24, 29, 43, 46, 51, 60, 61, 72, 91, 92, 94, 108, 111, 115, 117, 123	one or more data blocks transmitted in sequence	one or more data blocks transmitted in sequence from an external source whose characteristics are not controlled by the data encoder or decoder
2.	“encoder[s]” “encode” “encoded” “encoding”  ‘568 patent: 1, 15, 20, 23, 31, 32 ‘747 patent: 1, 8, 14, 19 ‘651 patent: 1, 4, 12, 13, 16, 18, 19, 21, 22, 24, 25, 26, 29, 34, 37, 38, 43, 45, 47, 49, 51, 60, 61, 63, 64, 67, 72, 91, 92, 93, 94, 108, 115, 117, 123	hardware or software that performs data compression	Encoder: hardware or software that compresses data by converting the contents of a data block (or data field) into a coded representation of those contents  Encode/ed/ing: compress/ed/ing by converting the contents of a data block (or data field) into a coded representation of those contents

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<sup>1</sup> To the extent a proposed construction uses language that is construed in connection with another term, the final construction chosen by the Court (or agreed to by the parties and accepted by the Court) shall be incorporated into the proposed construction.

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Term No.	Claim Language	Plaintiff's Construction	Defendant's Construction
3.	“decoder[s]” “decode” “decoded” “decoding”  ‘747/1, 8 ‘651/1, 4, 12, 16, 24, 46, 61, 91, 94, 95, 97, 108, 111, 112, 114, 115, 117, 118, 121, 123	hardware or software that performs data decompression	Decoder: hardware or software that decompresses data by reconstructing encoded data  Decode/ed/ing: decompress/ed/ing by reconstructing encoded data
4.	“data field type[s]” “data block type[s]”  ‘568 patent: 1, 20, 23 ‘747 patent: 14, 19 ‘651 patent: 1, 13, 22, 29, 43, 60, 115	an attribute or characteristic of the data block or data field	categorization of the data in the field (or block) as one of ASCII, image data, multimedia data, signed and unsigned integers, pointers, or other data type
5.	“lossless” “lossless encoder(s)/decoder(s)”  ‘747/1, 8, 14, 19 ‘651/1, 13, 19, 22, 29, 43, 49, 60, 91, 97, 108, 114, 115, 121	technique, software, or hardware that provides an exact representation of the original uncompressed data	technique, software, or hardware that fully preserves the original unencoded data such that the decoded data is identical to the original unencoded data

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Term No.	Claim Language	Plaintiff's Construction	Defendants' Construction
6.	<p>“selecting an encoder”</p> <p>“the lossless encoders are selected”</p> <p>“Selecting one or more lossless encoders”</p> <p>“select one or more lossless encoders”</p> <p>‘568 patent: 1</p> <p>‘747 patent: 14, 19</p> <p>‘651 patent: 1, 13, 22, 29, 43, 60, 91, 108, 115</p>	<p>choosing hardware or software that performs data compression</p> <p>the techniques, hardware or software that provide an exact representation of the original uncompressed data are chosen</p> <p>choosing one or more techniques, hardware or software that provide an exact representation of the original uncompressed data</p> <p>choose one or more techniques, hardware or software that provide an exact representation of the original uncompressed data</p>	<p>choosing (or choose) an encoder (or lossless encoders) during the compression process based on analyses of content of the data blocks (or data fields)</p>
7.	<p>“content independent data compression”</p> <p>‘747/1, 8, 14, 19</p> <p>‘651/1, 22, 29, 60</p>	<p>compression that is applied using one or more encoders without regard to the encoder’s (or encoders’) ability to effectively encode the data block type (<i>or</i> data field type)</p>	<p>compression that is applied to input data that is not compressed with content dependent data compression, the compression applied using one or more encoders without regard to the encoder’s (or encoders’) ability to effectively encode the data block type (<i>or</i> data field type)</p>

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Term No.	Claim Language	Plaintiff's Construction	Defendants' Construction
8.	“content dependent data compression” ‘747/1, 8, 14, 19 ‘651/1, 22, 29, 38, 60, 67	compression that is applied using one or more encoders selected based on the encoder’s (or encoders’) ability to effectively encode the data block type ( <i>or</i> data field type)	compression that is applied to input data that is not compressed with content independent data compression, the compression using one or more encoders selected based on the encoder’s (or encoders’) ability to effectively encode the data type of the data block
9.	“descriptor with the encoded data which identifies” “descriptors indicate” “descriptor indicates” ‘568/1 ‘747/1, 8, 14, 19 ‘651/1, 13, 22, 29, 43, 60, 91, 108, 115	data token with the encoded data which identifies data tokens indicate data token indicates	recognizable data that is appended to the encoded data for specifying
10.	“content dependent data decompression” ‘747/1, 8 ‘651/1	decompression technique to reverse the compression of data achieved through content dependent data compression	The phrase is indefinite under §112. Defendants have moved for summary judgment of indefiniteness and lack of written description for this term.
11.	“content independent data decompression” ‘747/1, 8 ‘651/1	decompression technique to reverse the compression of data achieved through content independent data compression	The phrase is indefinite under §112. Defendants have moved for summary judgment of indefiniteness and lack of written description for this term.

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### Summary Judgment Motions to be Addressed with Markman Issues

Claims	Motions to be Addressed
1. ‘747/1, 7, 8, 13 ‘651/1, 4, 6, 7, 12	MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF THE PATENTS-IN-SUIT FOR FAILURE TO SATISFY THE DEFINITENESS AND WRITTEN DESCRIPTION REQUIREMENTS OF 35 U.S.C. § 112 (D.I. Nos. 428-432, 589-592)
2. ‘747/ 1, 7-8, 13-14, 18-19, and 22 ‘568/20, 22-23, and 32	DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT FOR FAILURE TO COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT (D.I. 570-573, 586-588)  ‘651/4, 15-16, 18, 24-25, 34, 37, 45-47, 61, 63, 93-95, 110-112, and 116-118